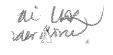
FILED IN THE UNITED STATES DISTRICT COURT DISTRICT OF HAWAII

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Attorneys for Plaintiff UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII UNITED STATES OF AMERICA, MAG. NO. 04-0128 LEK Plaintiff, VS. MOTION TO DETAIN DEFENDANT WITHOUT BAIL ROCKY DEMELLO (01)Defendant.

## MOTION TO DETAIN DEFENDANT WITHOUT BAIL

The United States hereby moves to detain Defendant without bail, pursuant to 18 U.S.C. Section 3142.

	1.	Eligibili	ty Of (	Case.	This	Defer	ndant	is	eligible
for	detention	because the	e case	invol	ves (	check	all ·	that	apply):
		a.	Offens					*	ending
		b.	Offens						



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sentence, conviction or completion of sentence (3142(d)(1)(A)(ii))\* Offense committed while on probation or c. parole (3142(d)(1)(A)(iii))\*

A citizen of a foreign country or \_\_\_\_d. unlawfully admitted person (3142(d)(1)(B))\*

Crime of violence (3142(f)(1)(A))\_\_\_е.

Maximum sentence life imprisonment or £. death (3142(f)(1)(B))

10+ year drug offense (3142(f)(1)(C))  $\underline{X}$  g.

Felony, with two prior convictions in \_\_\_\_ h. above categories (3142(f)(1)(D))

Serious risk Defendant will flee <u>X</u> i. (3142(f)(2)(A))

Danger to other person or community \*\*

\_\_\_\_k. Serious risk obstruction of justice (3142(f)(2)(B))

1. Serious risk threat, injury, intimidation of prospective witness or juror (3142(f)(2)(B))

\* requires "i" or "j" additionally

\*\* requires "a", "b", "c", or "d" additionally

2. Reason For Detention. The Court should detain Defendant (check all that apply):

> X a. Because there is no condition or combination of conditions of release which will reasonably assure Defendant's appearance as required (3142(e))

Because there is no condition or combination of conditions of release

which will reasonably assure the safety of any other person and the community (3142(e))Pending notification of appropriate \_\_\_\_ c. Court or official (not more than 10 working days (3142(d)) 3. Rebuttable Presumption. The United States (will/will not) invoke the rebuttable presumption against Defendant under Section 3142(e). If invoked, the presumption applies because (check all that apply): Probable cause to believe Defendant Xa. committed 10+ year drug offense Probable cause to believe Defendant b. committed an offense under 18 U.S.C. § 924(c) Previous conviction for eligible offense \_\_\_\_c. committed while on pretrial bond 4. Time For Detention Hearing. The United States requests that the Court conduct the Detention Hearing: \_\_\_\_a. At first appearance After continuance of \_\_\_\_ days (not more than 3) 5. Rule 40 Cases. The United States requests that

In the District of Hawaii

\_\_\_\_ b. In the District where charges were filed

the Detention Hearing be held:

\_\_\_\_ a.

## 6. Other Matters.

DATED: February 10, 2004, at Honolulu, Hawaii.

EDWARD H. KUBO, JR. United States Attorney District of Hawaii

Assistant U.S. Attorney